

Appl. No. 10/566,627
Amendment dated 07/17/2008
Reply to Office Action of 04/17/2008

Remarks

Claims 1 – 13 have been canceled.

New claim 14 is directed to an emulsion. Claim 14 includes the limitations of original claims 2, 3, 4, 5, and 13. Claim 14 further defines how the emulsion is prepared, and the selection of nonionic surfactants used in the emulsion. Support for these portions of the claim may be found in paragraphs [0019] and [0030] of the specification.

New claim 15 is directed to a method for imparting water repellent characteristics to a surface using the emulsion of claim 14.

Rejections under 35 U.S.C. 102

In the office action dated 04/17/2008;

claims 1, 2, 4, and 6 were rejected as being anticipated by U.S. 4,370,365 to Takamizawa,
claims 1, 2, 4 to 8, 10 to 13 were rejected as being anticipated by U.S. 6,323,268 to Fisher,
claims 1 to 12 were rejected as being anticipated by U.S. 5,895,794 to Berg.

Applicant believes that the presently amended claims patentably distinguish from Takamizawa, Fisher, and Berg.

Applicant respectfully submits that Takamizawa requires a vinyl functional silanol endblocked siloxane, whereas the present claims do not include vinyl functional silanol endblocked siloxanes.

Applicant respectfully submits that Fisher fails to teach the addition of the silanol endblocked siloxane to its emulsion compositions, and therefore does not teach all the components as presently claimed. Applicant believes the presently claimed silanol endblocked siloxanes do not include the silanol functional aminosiloxanes as disclosed in Fisher.

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Applicant respectfully submits that Berg (as well as Takamizawa and Fisher) fails to teach the method of preparing the emulsion as presently claimed. In particular, Berg fails to teach combining (i) methylhydrogensiloxane, (ii) silanol endblocked siloxane, and (iii) a MQ siloxane resin, with a low HLB nonionic surfactant in a preformed mixture, and then adding an aqueous solution of a high HLB nonionic surfactant to form an emulsion, as presently claimed. Rather, Berg's Example 10 (as cited in the 04/17/2008 office action rejection) teaches the post addition of a dimethyl-methylhydrogen copolymer to an emulsion of a silanol endblocked PDMS polymer.

Rejections under 35 U.S.C. 103

Claims 1 to 4, 6 to 10 and 12 were rejected as being unpatentable over U.S. 5,618,627 to Merrifield.

Applicant respectfully submits that the claims as amended define an invention which is unobvious over Merrifield. In particular, Merrifield fails to teach or suggest emulsion compositions as presently claimed. Rather, Merrifield teaches "froths" and provides no indication that any of its compositions are emulsions. Rather, Merrifield emphasizes the importance of "frothing" and the Examples detail techniques for measuring froth heights. Furthermore, Merrifield emphasizes the selection of organosulfonates or organosulfates (see column 4, lines 6-8), and gives no direction for selecting nonionic surfactants having the HLB values as presently claimed.

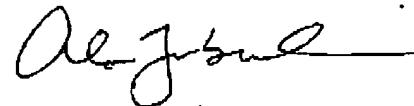
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The present response is being submitted within the three-month shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for any fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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